THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION Nos.9682 & 9688 OF 2005

DATED:17.08.2005

WRIT PETITION No.9682 OF 2005

Between:

V. Pavan Kumar, S/o. V. Hanmaiah,

H.No.6-1-400, Ashok Nagar, Karkhanagadda,

Karimnagar.

……PETITIONER

AND

The Chairman and Managing Director,

Andhra Pradesh Northern Power Distribution

Company Ltd., Warangal and another.

……RESPONDENTS

WRIT PETITION No.9688 OF 2005

Between:

K.Suresh Kumar, S/o.Laxmi Rajam,

H.No.6-5-238, Sai Nagar, Karimnagar.

…..PETITIONER

AND

The Chairman and Managing Director,

Andhra Pradesh Northern Power Distribution

Company Ltd., Warangal and another.

……**RESPONDENTS**

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION Nos.9682 & 9688 OF 2005

COMMON ORDER

These two Writ Petitions are filed by the petitioners aggrieved by the action of the respondents in declining to consider their claim for reconsideration for being absorbed in terms of the B.P.Ms.No.36, dated 18.5.1997.

According to the petitioners, in pursuance of the notification issued by the respondents, dated 07.07.2000, the petitioners submitted applications for consideration and in fact, according to the petitioners, their names were included in the list of selected candidates, which were shown at serial numbers 31 and 70, respectively, for being called for interview for being absorbed in the posts of Lower Division Clerk and they also appeared for the interview on 03.12.2002. But, however, after conducting the interviews, the first respondent passed orders rejecting the claims of all the persons, who are called for interview. Therefore, according to the petitioners, a batch of writ petitions are filed by some of the persons aggrieved by the said rejection in totality of the candidates for being absorbed in terms of B.P.Ms.No.36.

This Court in W.P.No.5158 of 2003 and batch, by order, dated 28.10.2004 set aside the order of the respondents and directed them to reconsider the claims and if any of the claimants are not fulfilling the requirements and found ineligible detailed orders are to be passed incorporating the reasons for rejecting the cases and the orders

were directed to be communicated to the claimants. Pursuant to the said orders, though the respondents have considered the cases of the petitioners in those writ petitions, but when the petitioners herein approached the respondents, their cases were not considered on the ground that the petitioners were not parties in any of those Writ Petitions disposed of by this Court. Therefore, the petitioners have come up with the present Writ Petitions.

At the time of hearing, the learned counsel for the petitioners sought for grant of similar directions as were granted by this Court in the above batch of Writ Petitions.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

This Court while disposing of Writ Petition No.5158 of 2003 and batch, passed the following order:

> "9. There is no dispute with regard to the settled legal position that the casual labours, V.E.Ws. and other eligible casual employees i.e. junior linemen are entitled to be regularized in terms of Board's proceedings in B.P.Ms.No.36, dated 18.5.1997 whoever is on the rolls as on 18.5.1997. As regards the age is concerned, the eligible age shall be reckoned as per the Board's Service Regulations in force at the time of their first engagement. Before regularizing the service of the employees, the respondents are bound to follow the eligibility conditions laid down in its proceedings dated 18.5.1997 and 31.12.1997. The benefit of regularization, which was conferred on the employees solely depends upon the eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of the age. In cases, where the Board has committed mistake in engaging under age or over age casual employees or has permitted the contractors to do so, would not confer any right on such employees for being regularized on the basis of B.P.Ms.No.36, dated 18.5.1997. In all these Writ Petitions, the cases of the petitioners were not ejected either on the ground of over age or under age or for not possessing the requisite qualifications. Absolutely, no reasons have been furnished to the petitioners. Even the records produced by the Standing counsel for the respondents reveals that on verification of the service certificates, it was found that in respect of some of the agreements, check measurements were not made and the work was commenced either after 18.5.1997 or completed before 18.5.1997. In some of the cases, it was also found that the certificates produced by the candidates were genuine. Merely because the concerned officials of the respondents have not made the check measurements, it cannot be said that the contract labour engaged by the contractors was not on rolls as on 18.5.1997. The check measurements are being made periodically as and when particular work has been completed for the purpose of payment of money to the contractor. Therefore, the only criteria in deciding the genuineness of the cases of the petitioners as to whether they worked as on 18.5.1997 or not, will be only on verification of the service certificates issued by the

contractor and countersigned by the officials of the respondents with reference to the agreements entered into with the contractor. However, the principles of natural justice require the communication of the reasons rejecting the cases of the petitioners for their absorption in the posts of L.D.Cs/Typists etc. The communication of 'nil' results in a newspaper is arbitrary, unreasonable, unjust and unsustainable.

10. For the aforesaid reasons, I set aside the said declaration declaring that there are no successful candidates and the results of the interviews held are 'nil'. Accordingly, the Writ Petitions are allowed directing the respondents to consider the cases of the petitioners in the light of the aforesaid observations for their absorption pursuant to the orders in B.P.Ms.No.36, dated 18.5.1997. If any of the petitioners are not found eligible or qualified, communicate the reasons individually to the petitioners within eight weeks from the date of receipt of a copy of this order."

As the petitioners are also placed similarly with that of the petitioners in those Writ Petitions, it is appropriate to direct the respondents to consider the cases of the petitioners on merit in terms of the observations and directions of this Court referred to in the above order. The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petitions are accordingly disposed of. No costs.

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S. ANANDA REDDY,J

17TH AUGUST 2005

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